

REMARKS/ARGUMENTS

Claim 28 has been amended to focus on electroluminescent devices.

The remaining claims have been amended, where appropriate, to better conform the claim to U.S. practice and/or to claim 28 as amended.

No new matter has been added through these amendments.

Claims 28-53 are currently pending.

The Office Action rejected claims 29-36, 39-45 and 49 under 35 U.S.C. 112, second paragraph, as indefinite. In view of the above claim amendments, Applicants respectfully submit that these rejections have been rendered moot, and that the rejections should be reconsidered and withdrawn.

The Office Action also rejected claims 28-33, 39-46 and 53 under 35 U.S.C. 102 as anticipated by PCT patent application publication no. WO 02/06889 ("Giron"), claims 47-52 under 35 U.S.C. 103 as obvious over Giron in view of U.S. patent 5,846,854 ("Giraud"), claim 34 under 35 U.S.C. 103 as obvious over Giron, Giraud and U.S. patent application publication no. 2002/0121860 ("Seo"), claims 35, 37 and 38 under 35 U.S.C. 103 as obvious over Giron, Giraud and U.S. patent 6,416,885 ("Towns"), and claim 36 under 35 U.S.C. 103 as obvious over Giron, Giraud and U.S. patent 6,280,559 ("Terada"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

The claims are directed to electroluminescent devices. The Office Action recognized that Giron does not relate to electroluminescent devices (see, Office Action at page 6). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 102 based upon Giron.

Giraud does not compensate for Giron's deficiencies. No motivation would have existed to use Giron's structure in electroluminescent devices.

For typical electrochromic devices, the active system requires a low DC voltage among 1 or 2 Volts. This is referred to as "remote field." Under such low voltage requirement, no risk of arcing exists. Accordingly, no motivation would exist to modify to Giron's structure to address instances where the risk of arcing exists, nor would any motivation exist to use Giron's structure in such a situation.

In contrast, the risk of arcing exists for electroluminescent devices. By way of explanation, the process for converting electrical energy into light by means of the invention electroluminescent systems required current leads for supplying the electrodes, which are generally in the form of two electrically conducting layers on either side of the active layer or of the various active layers of the system. These current leads must ensure both the flow of **high currents** in the case of organic systems (these require charge carriers), and **high voltages** in the case of inorganic systems (a high electric field is needed to accelerate the electrons). Additionally, these current leads must distribute the current uniformly over the surface of the functional layer so as to minimize phenomena liable to result in the destruction of the functional layer (the layer made of electroluminescent material), such as, for example, **breakdown or arcing phenomena**, to provide uniform illumination to the surface.

Thus, whereas for an electrochromic device, there is low voltage and no risk of arcing, electroluminescent devices are associated with high voltage and higher risk of arcing. Accordingly, one of ordinary skill in the art, looking to solve problems associated with

electroluminescent devices, would not have turned to electrochromic devices for a solution, meaning that one of ordinary skill in the art would not have looked to Giron to address problems in electroluminescent devices. Stated another way, Giron and Giraud are not properly combinable as their teachings are too disparate. It is only through hindsight, using the disclosure in the present application as a guide, that such a combination could be made. Such hindsight is impermissible, and cannot form the basis for a proper rejection.

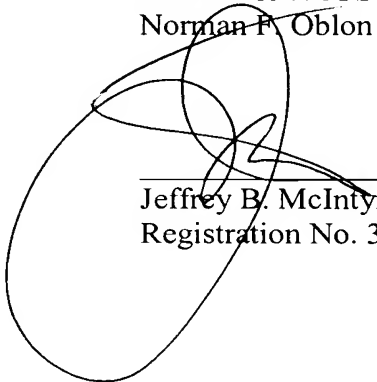
The tertiary references, Seo, Towns, and Terada, are merely cited for specific subject matter in certain dependant claims and cannot compensate for Giraud's and Giron's deficiencies. Nothing in any of the applied art would have motivated one of ordinary skill in the art to look to Giron to address problems in electroluminescent devices.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. 102 and 35 U.S.C. 103

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Jeffrey B. McIntyre  
Registration No. 36,867

Customer Number

**22850**

Tel #: (703) 413-3000  
Fax #: (703) 413-2220